



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/CV/24/4086

Re: Property at Flat 20 The Hamiltons, 53 Union Street, Hamilton, ML3 6NR (“the Property”)

Parties:

L & J Residential Property Ltd, Block 9, South Avenue, Blantyre Industrial Estate, High Blantyre, G72 0XB (“the Applicant”)

Mr Euan Mitchell, Flat 20, The Hamiltons, 53 Union Street, Hamilton, ML3 6NR (“the Respondent”)

Tribunal Members:

Graham Harding (Legal Member) and Ahsan Khan (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for payment by the Respondent to the Applicant in the sum of £18128.00

Background

1. By application dated 5 September 2024 the Applicant’s representatives, John Jackson & Dick Ltd, Solicitors, Hamilton, applied to the Tribunal for an order for payment in respect of alleged rent arrears arising from the Respondents’ tenancy of the property. The Applicants submitted a copy of the tenancy agreement together with a rent statement and a rent increase notice and other documents in support of the application.
2. By Notice of Acceptance dated 6 September 2024 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion (“CMD”) was assigned.

3. Intimation of the CMD was served on the Respondent by Sheriff Officers on 25 September 2024.

The Case Management Discussion

4. A CMD was held by teleconference on 31 October 2024. The Applicant was represented by Mr John Gildea from the Applicant's representatives. The Respondent did not attend nor was he represented. The Tribunal being satisfied that proper intimation had been given to the Respondent determined to proceed in his absence.
5. Mr Gildea advised the Tribunal that the rent arrears currently amounted to £18128.00. Mr Gildea also advised the Tribunal that he was no longer insisting on the contractual payment of interest at the rate of 8% per annum and asked the Tribunal to grant an order for payment in the sum of £18128.00

Findings in Fact

6. The Respondent owed rent of £18128.00 as at the date of the CMD.

Reasons for Decision

7. The Tribunal was satisfied from the written representations and documents submitted by the Applicant's representatives together with the oral submissions that the Applicant was entitled to an order for payment by the Respondent in the sum of £18128.00.

Decision

8. The Tribunal finds the applicant entitled to an order for payment by the Respondent to the Applicant in the sum of £18128.00.

Right of Appeal

In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must

seek permission to appeal within 30 days of the date the decision was sent to them.

**Graham Harding
Legal Member/Chair**

**31 October 2024
Date**